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ROBERT RYAN MORISHITA MORISHITA LAW FIRM, LLC 3800 HOWARD HUGHES PKWY, SUITE 850 LAS VEGAS, NV 89169			PIERRE, MYRIAM	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/645,958	SCANLAN
Examiner	Art Unit	
Myriam Pierre	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 16 April 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) See Continuation Sheet is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) See Continuation Sheet is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. PB3295.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_ .      5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

Continuation of Disposition of Claims: Claims pending in the application are 1,4,7,10,13,16,19,22,25,28,31,34,37,40,43,46,49,52,55,58,61,64,67,70,73,76,79,82,85,88,91,94,97,100,103,106 and 109-116.

Continuation of Disposition of Claims: Claims rejected are 1,4,7,10,13,16,19,22,25,28,31,34,37,40,43,46,49,52,55,58,61,64,67,70,73,76,79,82,85,88,91,94,97,100,103,106 and 109-116.

**DETAILED ACTION**

1. Examiner acknowledges the cancellation of claims.
2. Examiner acknowledges the arguments filed 04/16/07.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter.

With respect to claims 109-113, the preamble recites “embedded in the electronic communication” and “segment”, both are cited in the specification, page 4 lines 9-11, and state that the segment can be attached or embedded into the electronic communication, meaning the segment is a signal. The electronic communication is defined as a medium that is not necessarily software programs, not sure which is it, and which would be implemented, as in claim 109, the preamble reads a signal (segment) associated with electronic communication, embedded in an electronic communication which comprises of the electronic communication. Please specify which electronic communication is functioning where.

Regarding the “segment” being interpreted as a data or signal, when nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, ie. abstract idea, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. Such a result would exalt from over

substance. Also, claims that recite nothing but the physical characteristic of a form of energy, such as frequency, or the strength of a magnetic field, defined energy or magnetism, per se, and as such are nonstatutory natural phenomena. A claimed signal is clearly not a “process” under 101 because it is not a series of steps. A claimed signal has no physical structure, does not produce any useful, concrete and tangible result and, thus, does not fit within the definition of a machine.

*Response to Arguments*

4. Applicant's arguments filed 04/16/2007 have been fully considered but they are not persuasive.

Applicant argues that Bourbonnais (6,338,033) does not teach that the filters themselves are embedded in an electronic medium. This argument is not persuasive. The electronic communication in the specification and the claims is given as a possible software program. In col. 5 lines 35-40, the filter is considered as a component in an application layer (software), col. 11 lines 1-6 and col. 10 lines 47-53 and col. 11 lines 1-6, thus the filters themselves are embedded into the software program or electronic communication as defined as a software in order for it to work as a functional part of what the filter does, which is to translate words.

Applicant states that the translation information segments is embedded in the electronic communication (software), Bourbonnais's software filters are embedded in the server layer of the tele-translation system, Fig. 1 step 112. Therefore, Bourbonnais's does have a translation information embedded into the electronic communication or software, because the auto filtering has the segmenting of translation information which is part of the pre-processing of the MT

engine located in the server layer, 112, which makes up the entire tele-translation system, Fig. 1 element 100, col. 3 lines 35-45 and col. 8 lines 14-22.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,4,7,10,13,16,19,22,25,28,31,34,37,40,43,46,49,52,55,58,61,64,67,70,73,76,79,82,85,88,91,94,97,100,103,106 and 109-116 are rejected under 35 U.S.C. 102(e) as being anticipated by Bourbnnais et al. (6,338,033).

As to claim 1, Bourbnnais et al. teach

A translation information segment associated with an electronic communication:

    said translation information segment embedded in the electronic communication (col. 11 lines 1-6 and col. 10 lines 47-53), and including global parameters for effecting a translation of said electronic communication or a part or parts thereof from a source language to one or more target languages (col. 7 lines 40-58; col. 10 lines 34-43 and Abstract; translation is for one or more listed in col. 6; electronic communication is via the internet; translation is done in chunks or segmented); and

said translation information segment being identified and actioned by an application reading the electronic communication to extract the global parameters to obtain the translation of the electronic communication from said source language to said one or more target languages (col. 6 lines 34-67) (col. 8 lines 30-60; col. 7 lines 40-58; automatic translation is done via reading the communication in the machine translation device, and the parameters are in categorizing the text as translatable or not).

As to claim 4, which depends on claim 1, Bourbonnais et al. teach wherein the global parameters are selected from parameters including: source language, encoding, tense, available translation, translation engine, dictionary, glossary, context, translation service, rules for processing tags, rules for processing components within the electronic communication such as pictures, graphics, sound, animation video, software, programmable routines, rules for performing translation, location of existing translations, location of existing localized components of said electronic communication such as pictures, graphics, sound, animation, video, software, programmable routines; individual translator, and translation memory (col. 7 lines 40-46 , col. 8 lines 30-36, col. 5 lines 60-62; col. 7 lines 15-20; col. 4 lines 43-44; col. 9 lines 20-34; col. 10 lines 34-43; and col. 7 lines 40-58; col. 11 lines 1-15 and col. 8 lines 15-21 (tags); col. 4 lines 54-57 (program routine); electronic components are inherent in computer with removable storage and hard-drive).

As to claim 7, which depends on claim 1, Bourbonnais et al. teach

wherein two or more parameters of the TIS act cooperatively to translate a part or parts of said electronic communication (col. 7 lines 40-58; col. 6 lines 34-67 and col. 10 lines 34-43; parameters are filters used to identify non-translatable text).

As to claim 10, which depends on claim 4, Bourbonnais et al. teach  
wherein two or more parameters of the TIS act cooperatively to translate a part or parts of said electronic communication (col. 7 lines 40-58; col. 6 lines 34-67 and col. 10 lines 34-43; parameters are filters used to identify non-translatable text).

As to claim 13, which depends on claim 1, Bourbonnais et al. teach  
wherein the application actioning the translation information segment includes a web browser for a word processor for text documents (col. 7 lines 40-58 and col. 10 lines 34-43; and Abstract, browser is inherently found via internet).

As to claim 16, which depends on claim 4, Bourbonnais et al. teach  
wherein the application actioning the translation information segment includes a web browser for a word processor for text documents (col. 7 lines 40-58 and col. 10 lines 34-43; and Abstract, browser is inherently found via internet).

As to claim 19, which depends on claim 7, Bourbonnais et al. teach  
wherein the application actioning the translation information segment includes a web

browser for a word processor for text documents (col. 7 lines 40-58 and col. 10 lines 34-43; and Abstract, browser is inherently found via internet).

As to claim 22, which depends on claim 10, Bourbonnais et al. teach  
wherein the application actioning the translation information segment includes a web browser for a word processor for text documents (col. 7 lines 40-58 and col. 10 lines 34-43; and Abstract, browser is inherently found via internet).

As to claim 25, which depends on claim 1, Bourbonnais et al. teach  
wherein the application actioning the translation information segment is a purpose specific application that detects and actions the translation information segment (col. 8 lines 30-60 and col. 9 lines 20-24 and col. 10 lines 34-43).

As to claim 28, which depends on claim 4, Bourbonnais et al. teach  
wherein the application actioning the translation information segment is a purpose specific application that detects and actions the translation information segment (col. 8 lines 30-60 and col. 9 lines 20-24 and col. 10 lines 34-43).

As to claim 31, which depends on claim 7, Bourbonnais et al. teach

31. A translation information segment according to any one of claim 7 wherein  
wherein the application actioning the translation information segment is a purpose  
specific application that detects and actions the translation information segment (col. 8 lines 30-  
60 and col. 9 lines 20-24 and col. 10 lines 34-43).

As to claim 34, which depends on claim 10, Bourbonnais et al. teach  
wherein the application actioning the translation information segment is a purpose  
specific application that detects and actions the translation information segment (col. 8 lines 30-  
60 and col. 9 lines 20-24 and col. 10 lines 34-43).

As to claim 37, which depends on claim 1, Bourbonnais et al. teach  
wherein there are two or more translation information segments associated with said  
electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet,  
translation is divided into small chunks implying at least two chunks or segments of translatable  
information).

As to claim 40, which depends on claim 4, Bourbonnais et al. teach  
wherein there are two or more translation information segments associated with said  
electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet,  
translation is divided into small chunks implying at least two chunks or segments of translatable  
information).

As to claim 43, which depends on claim 7, Bourbonnais et al. teach

wherein there are two or more translation information segments associated with said electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 46, which depends on claim 10, Bourbonnais et al. teach

wherein there are two or more translation information segments associated with said electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 49, which depends on claim 13, Bourbonnais et al. teach

wherein there are two or more translation information segments associated with said electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 52, which depends on claim 16, Bourbonnais et al. teach

wherein there are two or more translation information segments associated with said electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 55, which depends on claim 19, Bourbonnais et al. teach

wherein there are two or more translation information segments associated with said electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 58, which depends on claim 22, Bourbonnais et al. teach

wherein there are two or more translation information segments associated with said electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 61, which depends on claim 25, Bourbonnais et al. teach

wherein there are two or more translation information segments associated with said electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet,

translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 64, which depends on claim 28, Bourbonnais et al. teach

wherein there are two or more translation information segments associated with said electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 67, which depends on claim 31, Bourbonnais et al. teach

wherein there are two or more translation information segments associated with said electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 70, which depends on claim 34, Bourbonnais et al. teach

wherein there are two or more translation information segments associated with said electronic communication (col. 10 lines 34-43 and Abstract, html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 73, which depends on claim 37, Bourbonnais et al. teach

wherein each translation information segment includes parameters for translation of a

portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 76, which depends on claim 40, Bourbonnais et al. teach

wherein each translation information segment includes parameters for translation of a portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 79, which depends on claim 43, Bourbonnais et al. teach

wherein each translation information segment includes parameters for translation of a portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 82, which depends on claim 46, Bourbonnais et al. teach

wherein each translation information segment includes parameters for translation of a

portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 85, which depends on claim 49, Bourbonnais et al. teach

wherein each translation information segment includes parameters for translation of a portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 88, which depends on claim 52, Bourbonnais et al. teach

wherein each translation information segment includes parameters for translation of a portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 91, which depends on claim 55, Bourbonnais et al. teach

wherein each translation information segment includes parameters for translation of a

portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 94, which depends on claim 58, Bourbonnais et al. teach

wherein each translation information segment includes parameters for translation of a portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 97, which depends on claim 61, Bourbonnais et al. teach

wherein each translation information segment includes parameters for translation of a portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 100, which depends on claim 64, Bourbonnais et al. teach

wherein each translation information segment includes parameters for translation of a

portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 103, which depends on claim 67, Bourbonnais et al. teach  
wherein each translation information segment includes parameters for translation of a portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 106, which depends on claim 70, Bourbonnais et al. teach  
wherein each translation information segment includes parameters for translation of a portion of the electronic communication associated with the translation information segment (col. 10 lines 34-43 and Abstract, col. 7 lines 40-46 (parameters via filtering process), html document via the internet, translation is divided into small chunks implying at least two chunks or segments of translatable information).

As to claim 109, Bourbonnais et al. teach  
A translation information segment associated with an electronic

communication, said translation information segment embedded in the electronic communication and being identified and actioned by an application reading the electronic communication and comprising at least one of:

- a pointer to a translation of the electronic communication (col. 6 lines 34-67);
- a pointer to location of existing translations, a pointer to location of existing localized components of said electronic communication such as pictures, graphics, sound, animation, video, software, programmable routines (col. 9 lines 34-67 and Abstract; internet inherently has the electronic features);
- a pointer to rules for performing the translation (col. 4 lines 54-57 and col. 7 lines 40-45);
- a pointer to a human translator skilled in translating the electronic communication (col. 8 lines 59-64 and col. 6 lines 34-67).

As to claim 110, which depends on claim 109, Bourbonnais et al. teach  
wherein the pointer to a translation of the electronic communication is a universal resource locator and a list of pointers point to different language translations (col. 4 lines 54-57 and col. 7 lines 15-20).

As to claim 111, which depends on claim 109, Bourbonnais et al. teach  
wherein the translation information segment includes a list of translation parameters or a pointer to a file containing a list of translation parameters (col. 8 lines 37-48 and col. 7 lines 15-20).

As to claim 112, which depends on claim 111, Bourbonnais et al. teach

wherein the translation parameters are readable by a translation engine or a human translator to improve the quality of translation (col. 8 lines 59-64).

As to claim 113, Bourbonnais et al. teach

A method of providing a translated communication to a recipient of a foreign language communication including the steps of:  
associating a translation information segment with the foreign language communication (col. 10 lines 34-43);

transmitting the foreign language communication and the translation information segment to a receiver, where the translation information segment is embedded in the foreign language communication (col. 10 lines 34-53 and col. 9 lines 20-24; col. 11 lines 1-6; software filter is embedded as a translation function for language translation or communication);

parsing the foreign language communication to identify and analyze the translation information segment (col. 10 lines 34-43; parsing is done via the “chunking” or dividing of the text to find out if it translatable information or not); and

obtaining a translation of the foreign language communication according to parameters in the translation information segment (col. 10 lines 34-43).

As to claim 114, which depends on claim 113, Bourbonnais et al. teach

wherein, a translation is requested from a browser, and the translation information segment information is extracted from the communication and forwarded to a translation

manager along with a translation request (col. 9 lines 20-24; col. 7 lines 40-45 and Abstract; internet inherently has browser and the device uses machine translation and/or human translation that is extracted and forwarded to a person if it's untranslatable).

As to claim 115, which depends on claim 113, Bourbonnais et al. teach when a browser receives a communication to display, it first checks the translation information segment to ensure the language is correct before displaying, and if said language is not correct then the browser requests a translation from a translation manager (col. 7 lines 40-58 and Abstract; spell check to correct translation is via the internet option).

As to claim 116, which depends on claim 113, Bourbonnais et al. teach an inherent web server obtains a users preferred language and compares it to the translation information segment, and if it does not match, then, the web server requests the communication to be translated and provides the relevant details from the translation information segment to the translation manager (col. 7 lines 15-21 and 40-58 and Abstract; spell check to correct translation is via the internet option, internet network inherently has web server; match or un-match is in the process of figuring if there is untranslatable information that was "chucked" or segmented).

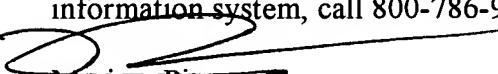
***Conclusion***

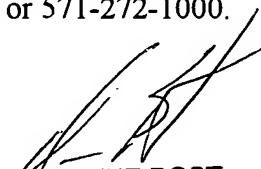
1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. see PTO-892.
2. References A-D provide background information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 571-272-7611. The examiner can normally be reached on 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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06/28/2007

  
DWAYNE BOST  
SUPERVISORY PATENT EXAMINER